



U.S. Immigration and Customs Enforcement

SEVP InFocus Webinar

Pathway Programs Pre-Submitted Questions

Dec. 14, 2016

Note: This document provides answers that interpret U.S. government regulation, but does not serve as a replacement for federal regulation or official Student and Exchange Visitor Program (SEVP) policy guidance. Questions have been edited for grammar and style.

Form I-20, “Certificate of Eligibility for Nonimmigrant Student Status,” issuance for pathway programs

- 1. If a pathway program has dual governance (e.g., a university governs the academic courses and a third party governs the English as a Second Language (ESL) courses), which institution should issue the Form I-20?**
 - A. The school that grants a student’s pathway program completion credentials — the school that determines when the student completes a pathway program — should issue the student’s Form I-20. Remember, section 4.1 of the final policy guidance on pathway programs notes that a school must list all locations where a student may receive instruction for any portion of a pathway program as an instructional site in the Student and Exchange Visitor Information System (SEVIS).
- 2. Will the Form I-20 include a pathway program level or indication?**
 - A. Currently, SEVP does not plan to add a Form I-20 indicator for a pathway program. As noted in the final policy guidance on pathway programs, designated school officials (DSOs) must issue a student’s Form I-20 at the “Other” education level for the duration the student is enrolled in a pathway program.
- 3. Almost all U.S. colleges and universities require incoming domestic and international students to take math and English placement tests. All accepted international students meet the college’s English proficiency standards for admission. However, many of these students must take remedial-level English classes prior to enrolling in the university’s regular-level English programs. Should DSOs create a Form I-20 for students that take remedial-level English?**



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- A. There are three possible scenarios that can address this question:
- If the student maintains a full course of study for their degree program and takes remedial English classes, DSOs do not need to issue a Form I-20 for these classes. In this situation, the student can speak with their DSOs about taking a reduced course load for academic difficulties, limited to the initial session.
 - If the student places into a pathway program that contains credit-bearing components and leads to a degree program at the school, DSOs should issue the student a Form I-20 that covers the pathway program.
 - If the student's full course of study consists of remedial English or ESL classes, DSOs should reissue the student's Form I-20 for the remedial English or ESL program. The student can change their educational level to the academic program upon completion.

Pathway program credit requirements

4. **Can SEVP clarify whether or not students enrolled in a pathway program are required to take at least one credit-bearing course each semester or session? The final policy guidance on pathway programs states that, "all pathway programs must contain credit-bearing coursework that is transferrable to the curricular requirements of a certified degree program." This statement seems to indicate the per session requirement mentioned in the earlier draft guidance is no longer required.**
- A. A pathway program must contain credit-bearing coursework within the prescribed program of study or curriculum, but not necessarily during each session.
5. **What are the minimum number of credits that a student must take at the college level to be eligible for a pathway program?**
- A. SEVP interprets this question as asking about the required number of college credits a student is required to take during a pathway program. A student enrolled in a pathway program must take a combination of ESL and credit-bearing coursework. The student must maintain a full course of study as it applies to credit or clock-hour programs. There are no limitations as to what portion of the pathway program should consist of credit-bearing coursework.
6. **Does credit-bearing coursework in a pathway program need to count towards the student's eventual degree? My school has several graduate-level pathway programs**



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where credit-bearing courses do not count toward the student's degree requirements, even though the courses appear on the student's transcript. Should we change these types of programs?

- A. As noted in the final policy guidance document on pathway programs, credit-bearing coursework must count toward the curricular requirements of an SEVP-certified degree program. This includes core, general education, major, minor or any other coursework that would count toward the curricular requirements of the student's SEVP-certified degree program of study.

SEVP certification of pathway programs

- 7. **A regionally-accredited university offers a licensed, accredited and SEVP-certified ESL program. A third party delivers the ESL program, which makes up part of the university's pathway program. Can the university add this pathway program to its Form-17, "Petition for Approval of School for Attendance by Nonimmigrant Student," when the university governs the pathway program, but a third party provider delivers the ESL portion of the pathway program?**

- A. SEVP understands that many schools contract out or have arrangements with other parties for certain courses of study or curriculums, particularly ESL studies. The party that governs the program must list the pathway program on its Form I-17. The university can add such a program to its Form I-17 for review. During the adjudication process, SEVP will assess the governance of the program, among other details, and made a determination on the program's eligibility for SEVP certification.

Community colleges and pathway programs

- 8. **The function of many community colleges is similar to that of a pathway program — students may begin their studies with for-credit ESL coursework and later transition to courses that fulfill their degree requirements. However, admission requirements for community colleges differ from other universities. Community colleges generally do not require proof of English language proficiency to admit students, since the college provides English language instruction. Therefore, students applying to community colleges can meet all standards for admission even without any proof of language proficiency. Does SEVP consider community colleges a pathway program, and does the recent guidance apply to them?**



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- A. SEVP does not automatically consider community colleges to be pathway programs. A school can choose to not require English proficiency for admission and can issue Forms I-20 for programs of study other than pathway programs without required English proficiency.

However, a community college may also offer programs that meet the criteria for a pathway program. A student taking a combination of courses that meet the definition of a pathway program and entering a full degree program upon completion of the initial portion would meet the requirements of a pathway program, as stated in the guidance.

- 9. If a student finishes ESL courses at a community college on a language training Form I-20, takes placement courses for regular-level English and places low on the exam, our school recommends that the student enroll in half degree-seeking courses and half high-level ESL courses. Does SEVP consider this situation a pathway program?**

- A. As described, such a program could qualify as a pathway program. SEVP suggests that the questioner submit the described program to SEVP for adjudication. The final policy guidance on pathway programs contains instructions for how to submit a pathway program to SEVP for approval.